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EXAMINER

PEZZLO, BENJAMIN A

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/028,200

Applicant(s)

HALL ET AL.

Examiner

Benjamin A Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first and second members being non-parallel" of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "leg members bifurcating between the first and second members" of claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "leg members and first element being elliptical in cross section " of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the slot arrangement" of claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

5. Claim 4 is objected to because of the following informalities:

line 1, "where" should be "wherein".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1 and 12 recite the limitation "the second element" in lines 6 and 1, respectively.

There is insufficient antecedent basis for this limitation in the claim. It appears that "element" should be "member".

8. Claim 16 recites the limitation "the first element" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears that "element" should be "member". Moreover, the portions that connect to the appliance body appear to be included on the leg members.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 4, 6-9, 11-13, 15, 17, 18, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Huff (US 2819892).

Huff discloses a spring adapted for rotational action including a first member 12 adapted for attachment to an appliance body member 10, a second member 14 spaced apart from the first member and adapted to receive a driving member 18 (see col. 2 lines 3-5), wherein when the

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driving member moves through a selected range of movement, the second member rotates in response thereto, and at least two leg members 20 connecting the first and second members, wherein when the driving member moves to an end point of its range of movement, having rotated the second member with the leg members attached thereto, the energy stored in the spring thereby tends to return the spring toward its original position.

Re claim 4, see col. 1 line 29.

Re claim 6, see Fig. 2.

Re claim 7, see col. 1 line 28.

Re claim 8, see col. 2 lines 67-72.

Re claim 9, see arcuate portions 26.

Re claim 11, see Fig. 1.

Re claim 12, see Fig. 1.

Re claim 13, see Fig. 1 and col. 2 lines 67-72.

Re claim 15, see slots 12, and col. 2 line 2, note further that slots 12 appear to capture the leg members in the width direction only, thus the leg members are allowed to move a short distance to an end of the slot, i.e. the legs spread slightly before twisting.

Re claim 17, see col. 2 lines 32-35.

Re claim 18, see Fig. 1.

Re independent claim 22, note the that the connecting elements located at the bottom of the leg members are formed by the appliance body member 10, note further that Huff discloses an annular base at col. 1 line 61.

Re claim 23, see col. 2 lines 13-15, note that Huff shows seven equally spaced leg members, and thus, meets the limitation of showing three equally spaced leg members, see also col. 3 line 18, "a plurality of leaf springs".

Re claim 24, see col. 1 line 22.

Re claim 25, see col. 2 lines 67-72.

Re claim 26, see col. 1 lines 58-64, the base may be formed to fit the space in which it is placed, i.e. capable of being captured between parts of an assembly thereby sealing the assembly, see also threaded stud 18 which because it is integral to the spring provides a seal member which seals the spring to the appliance body. Note however that potentially patentable subject matter appears to be present at page 3 lines 23-25 of Applicant's specification.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallini, Jr. et al. (US 6422791).

Pallini, Jr. et al. disclose a spring adapted for rotational action including a first member 25 adapted for attachment to an appliance body member 12, a second member 22 spaced apart from the first member and adapted to receive a driving member 14, wherein when the driving member moves through a selected range of movement, the second member rotates in response

thereto, and at least two leg members 18 connecting the first and second members, wherein when the driving member moves to an end point of its range of movement, having rotated the second member with the leg members attached thereto, the energy stored in the spring thereby tends to return the spring toward its original position.

Re claim 2, see Fig. 1A.

### ***Allowable Subject Matter***

13. Claims 3, 5, 10, 14, and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hwang, Fermier, Swainson, Ormond, Thomas, Jones, Stenstrom, Hay, Almen, Ranucci, Salmela, VanDeGraaf, and Gordon ('524 and '407) disclose related devices.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone numbers for the



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organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Benjamin A. Pezzlo 4/5/03*

Benjamin A Pezzlo  
Examiner  
Art Unit 3683

BAP  
April 5, 2003